

Minutes  
Regular Board Meeting  
Aberdeen Town Board

December 10, 2012  
Monday, 6:00 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Town Board met on Monday, December 10, 2012 at 6:00 p.m. for the Regular Board Meeting. Members present were Mayor Elizabeth B. Mofield, Mayor Pro-tem Robert A. Farrell and Commissioners Pat Ann McMurray, Jim Thomas, and Walter Wright. Commissioner Alan Parker was not in attendance for the meeting. Planning Board members present were Janet Peele, Raymond Lee, Johnny Ransdell, Sarah Ahmad, Graylin King, Peter Koch, and Tim Marcham. Planning Board members Owen Gallagher and Joe Dannelley were not in attendance for the meeting. Staff members in attendance were Planning Director Kathy Liles, Community Development Planner Jae Kim, Town Manager Bill Zell, Parks & Recreation Director Leigh Baggs, and Town Clerk Regina Rosy. Reporter for the Pilot Tom Embrey, Paige Godin, Alan Casavant, Maurice Holland, Sr., Boy Scout Troop #800 members, and Eleese Goodwin were also in attendance.

1. Call to Order

a. Pledge of Allegiance.

Mayor Mofield asked everyone to please stand for the Pledge of Allegiance.

2. Public Hearings

a. Joint public hearing with the Planning Board to consider an amendment to the zoning map of the Unified Development Ordinance to rezone Forest Hills Block G Lot 17 owned by Paige Godin from R30-18 to R20-16.

Mayor Mofield opened the public hearing on the Joint public hearing with the Planning Board to consider an amendment to the zoning map of the Unified Development Ordinance to rezone Forest Hills Block G Lot 17 owned by Paige Godin from R30-18 to R20-16.

Planning Director Liles stated the request is to rezone one parcel of land from R30-18 to R20-16. The parcel is identified by #20060496 and is located at the southwest corner of Longleaf Drive and Longleaf Circle.

Planning Director Liles displayed a zoning map that showed surrounding zoning areas. Planning Director Liles stated the zoning pattern was created when the UDO was adopted in June 2011. Pre-UDO classification of this property was R20-A. The property is in the ETJ. Planning Director Liles

stated upon adoption of the UDO, new districts were consolidated in a zoning pattern resulting in larger home size and lot size.

Planning Director Liles stated the majority of homes in Forest Hills and Forest Hills West are greater than 1,800 square feet in size. Lots in Forest Hills West are approximately 20,000 square feet in size. The predominant difference between the two districts is home and lot size. Most of the lots on Longleaf Circle are vacant or in the process of acquiring permits.

Planning Director Liles stated uses allowed in R20-16 are churches, bed and breakfast, 3,500 SF assembly uses, social clubs, golf courses, forestry, and child care in addition to residential. Planning Director Liles stated most of these uses are too large to fit on a 1-acre size lot. Planning Director Liles stated whenever a rezoning is considered, the land use plan must be researched. Planning Director Liles stated the land is identified for low density residential use. Existing and proposed districts are both considered low density. The Land Use Plan identifies the need for additional residential properties in the R6, R10, and R20 districts. The R30-18 district is a new district created since adoption of the code.

Planning Director Liles stated the rezoning of this property could result in the addition of one structure, which would have a negligible impact on water and sewer. Planning Director Liles stated the property would have to be annexed into the Town limits to receive services.

Paige Godin stated her property was rezoned and she was never even notified. Ms. Godin stated she would like to have the property remain at the zoning it was prior to adoption of the UDO, since she was not notified. Ms. Godin stated she bought this property in 2006 from Mr. Johnson. Ms. Godin was told 2 years ago when she called in to the Planning Department, that the property could be subdivided into 2 lots.

Graylin King asked if the property owner that built in the cul-de-sac was here this evening. Planning Director Liles stated no, the property owner is not present. Planning Director Liles stated the property was posted, and a notice was mailed to that property owner before the zoning change took place. Planning Director Liles stated all lots in the cul-de-sac are R30-18. Mayor Mofield stated the lots are beautiful.

Mayor Pro-tem Farrell asked about why Ms. Godin was not notified. Planning Director Liles stated two ads were run in The Pilot, and a notice was mailed to the address on file for Ms. Godin. Planning Director Liles stated Ms. Godin's notice was not returned undeliverable. Planning Director Liles stated

there were a few returned items that were badly damaged during adoption of the UDO.

With no further discussion, Mayor Mofield closed the public hearing on the joint public hearing with the Planning Board to consider an amendment to the zoning map of the Unified Development Ordinance to rezone Forest Hills Block G Lot 17 owned by Paige Godin from R30-18 to R20-16.

- b. Conditional Use Permit #12-06 for Simmons Drive LLC for a five (5) lot major subdivision preliminary plat approval on Wayland Street approximately 1,575 feet west of Saunders Boulevard in the Bronwyn development.

Mayor Mofield opened the public hearing on Conditional Use Permit #12-06 for Simmons Drive LLC for a five (5) lot major subdivision preliminary plat approval on Wayland Street approximately 1,575 feet west of Saunders Boulevard in the Bronwyn development.

Town Clerk Regina Rosy swore in Alan Casavant and Planning Director Liles.

Planning Director Liles stated the request is for approximately 2.93 acres and is for a proposed five-lot major subdivision at the end of the Bronwyn Development on Wayland Road. The property is located 1,575 feet west of Saunders Blvd. The LRK# of the property is 00051036, and the PIN# is 857120717016. Planning Director Liles stated this item requires a conditional use permit.

Planning Director Liles displayed a map showing the location and zoning for the property. Planning Director Liles stated the property is zoned R20-16. Planning Director Liles also displayed an aerial photo of the property. Planning Director Liles displayed a chart showing the drainage patterns.

Planning Director Liles stated the dimensional requirements are a minimum lot size of 20,000 square feet, setbacks of 35' front, 15' sides, 30' rear and a minimum lot width of 100 feet. Overlay districts are not applicable. Planning Director Liles stated the UDO requires 5' sidewalks which the applicant seeks relief from providing. Planning Director Liles stated the subdivision is located at the end of a subdivision without sidewalk connections to this property, and the Planning Board recommends the sidewalk requirement be waived. This allows for more room to work with the drainage easement while preserving trees.

Planning Director Liles stated five lots would be anticipated to generate no more than 50 vehicle trips per day, which would not have a significant impact on the roads. Ingress and egress for emergency vehicles are available.

Water and sewer are available to the property. Taps for water will need to be made under the road at the time of home construction. Public Works has indicated that services are available.

Planning Director Liles stated the property is heavily wooded with mixed hardwood/pines. There is no clearing proposed outside of drainage improvements. Approximately 56 large trees would need to be removed. Planning Director Liles stated there is no feasible way to retain the trees, and still provide the necessary drainage improvements. Planning Director Liles stated the open space requirement would be 20% or payment in lieu of open space may be considered subject to the approval of the Parks & Recreation Director when the Town has facilities within close proximity. Payment must be received before lots are sold. Ray's Mill Pond is in close proximity (1,900 linear feet) to the project area and payment in lieu is feasible. As a result of the Planning Board meeting, the applicant is proposing a revision that would carve open space out of Lot 4 and provide an easement for access. A determination has not been made as to who would hold the open space.

Regarding drainage, Planning Director Liles stated the property tilts to the south and east, 7-12% slope, currently discharges through Mr. Lineberry's property in an existing ditch, and discharges to Midway Gardens and Ray's Mill Creek. The drainage would require an additional 20' easement, and plunge pools would be required at either end. A required 24" pipe under driveways would be needed, and the drainage would become Town maintained at completion.

Planning Director Liles displayed some visual photographs of the property. Planning Director Liles stated the Planning Board recommended approval subject to conditions. The following conditions were recommended:

- Conditional Use Permits run with the land and as such this conditional use permit applies to the entirety of the property reflected in LRK# 00051036. An amendment to the conditional use permit is needed to remove property from the conditional use permit or to make changes to the conditional use permit. If an activity is a use by right, it is not subject to the conditional use permit.
- The applicant shall either amend the plan to provide for 25,535 SF of open space or provide payment in lieu of open space in the amount of \$762 based on tax value of the land prior to approval of the final plat.

- Sidewalks are not required and the applicant shall coordinate grading of the swale with the Town for any future sidewalks.
- The applicant is required to provide sealed engineered drawings of the stormwater drainage system.
- The final plat shall be conditioned such that 24" RCP (reinforced concrete pipe) flared end section culverts will be installed for each driveway at the time of home construction.
- The final plat shall not be approved until such time as all drainage improvements are complete.
- This approval does not authorize work beyond the property boundary or on Mr. Lineberry's property. It is the responsibility of the applicant to meet all DENR requirements. Any and all required permits from other regulatory agencies must be in place as a condition of this approval.
- An undisturbed buffer equal to the rear setback shall be imposed on each lot.

Alan Casavant stated Planning Director Liles did a pretty good job of summarizing the project. Mr. Casavant stated he did not have the engineering drawings at the Planning Board meeting, but he was able to provide those for tonight's meeting. Mr. Casavant stated there are no sidewalks in the neighborhood currently, and with the ditch where it is located, it would not make sense to put in a sidewalk. Mayor Mofield stated sidewalks are very important to the Board. Mayor Mofield stated her feelings are hurt about this project not including sidewalks and all of the trees that will need to be removed.

Commissioner Wright asked if this development could cause an adverse impact on Midway Gardens. Planning Director Liles stated the Planning Board requested an engineering design of the project to look at that issue. Planning Director Liles stated if this project is not designed in this manner, then it could create a problem for Midway Gardens, but she feels this project could in fact improve the situation. Mayor Pro-tem Farrell asked if the railroad right-of-way is a factor. Planning Director Liles stated this project is outside of the right-of-way for the railroad, but does abut to the railroad. Mayor Mofield stated if the property were left alone, then Aberdeen would not break its own laws. Planning Director Liles stated in this particular case, Mr. Casavant would be improving the drainage situation dramatically by completing the proposed drainage solutions.

With no further discussion, Mayor Mofield closed the public hearing on Conditional Use Permit #12-06 for Simmons Drive LLC for a five (5) lot major subdivision preliminary plat approval on Wayland Street approximately 1575 feet west of Saunders Boulevard in the Bronwyn development.

3. Setting of the Agenda

Manager Zell stated the following items need to be added:

8e – Ray’s Mill Pond Restrictive Covenant

8f - 4<sup>th</sup> Lease Amendment for AT&T

A motion was made by Mayor Pro-tem Farrell, seconded by Commissioner McMurray, to approve the setting of the agenda as amended. Motion unanimously carried.

4. Approval of the Consent Agenda

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held except on request by a member of the Board of Commissioners.

- a. Minutes of Regular Board Meeting on November 13, 2012, Work Session on November 29, 2012, and Special Called Meeting on December 3, 2012.

A motion was made by Commissioner Wright, seconded by Commissioner McMurray, to approve the consent agenda as presented. Motion unanimously carried.

5. Informal Discussion and Public Comment

- a. Presentation of Community Partnership Plaque with East Carolina University.

Planning Director Liles stated both the Town of Aberdeen and the SCAP participated in a training program with ECU on grant writing. Planner Kim and Planner Graham graduated this past week from the program. The Town of Aberdeen is now considered a partner with ECU.

- b. Notification of award of a Building Reuse Grant from The Rural Center for Meridian Kiosk.

Planner Kim stated the Rural Center just recently awarded the Town of Aberdeen \$150,000 for the Meridian Kiosk project. Planner Kim stated Meridian is creating 30 new jobs with this project. Planner Kim stated the Town worked with Partners in Progress on the application process. Mayor Mofield stated this is very good news.

- c. Boy Scout Troop #800

Mayor Mofield thanked Boy Scout Troop #800 for attending the meeting.

6. Financial Report

Manager Zell stated the General Fund is \$690,600 in the black as of the end of November. Manager Zell stated the Water and Sewer Fund is \$106,116.63 in the black as of the end of November.

7. Old Business

None

8. New Business

a. Funding Request from Arts Council of Moore County.

Manager Zell stated Chris Dunn contacted him last Friday about this issue. Manager Zell stated the Town has just recently increased the contribution towards the Palustris Festival.

Mayor Mofield asked Manager Zell to check with Chris Dunn tomorrow and see what arrangements have been made thus far for this event. The Board did not want the proposed Arts Council event to take anything away from the Langley Air Force symphony event on Feb. 18<sup>th</sup> that Leigh Baggs has already coordinated.

Commissioner McMurray stated she would like a date to be confirmed for the event, before considering any action on this item.

b. Resolution to Support the 2013-2015 Funding for Clean Water Management Trust Fund.

Planning Director Liles stated this is a request that has been directed to the Town from the trust fund itself. The fund was created in 1966, and was created to make sure there are healthy waters. Planning Director Liles stated this would be an opportunity for Aberdeen to raise its voice and express that clean water is important to Aberdeen.

A motion was made by Commissioner Thomas, seconded by Commissioner McMurray, to approve the Resolution to Support the 2013-2015 Funding for Clean Water Management Trust Fund. Motion unanimously carried.

- c. Resolution to Seek the Amendment of North Carolina Session Law 2004-75 Senate Bill 1161 Enacted July 8, 2004.

Planning Director Liles stated in 2004 the Legislature became very concerned that local governments were approving land uses that were incompatible with the State. Planning Director Liles stated a senate bill was passed to require counties and cities near military bases to give notice of land-use planning changes to the military bases. This amendment would allow the Town to not have to comply with that requirement.

A motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell, to approve a Resolution to Seek the Amendment of North Carolina Session Law 2004-75 Senate Bill 1161 Enacted July 8, 2004. Motion unanimously carried.

- d. Resolution of Support for the PACTIV Expansion Project including submittal of a Building Reuse & Restoration Grant application for Occupied Properties to the N.C. Rural Economic Development Center in the amount of \$175,000 for this project.

Planner Kim stated this item is the exact same application that Meridian just received, just a different project. Planner Kim stated PACTIV produces a consumer and food service and they are located on Highway 5. Planner Kim stated PACTIV would use the grant money if awarded to provide a new roof, interior office modifications, add new machinery and equipment, and infrastructure to the company's existing facility. Planner Kim stated the Town would be applying for a grant through the NC Rural Economic Development Center in the amount of \$175,000 on behalf of PACTIV. Planner Kim stated the grant requires a 5% match from the Town which would be \$8,750. PACTIV has agreed to provide the \$8,750 to roll through the Town so there will be no expense to the Town.

A motion was made by Mayor Pro-tem Farrell, seconded by Commissioner McMurray, to approve the Resolution of Support for the PACTIV Expansion Project including submittal of a Building Reuse & Restoration Grant application for Occupied Properties to the N.C. Rural Economic Development Center in the amount of \$175,000 for this project. Motion unanimously carried.

- e. Ray's Mill Pond Restrictive Covenants.

Parks & Recreation Director Leigh Baggs stated when the Town applied for the PARTF Grant, one of the requirements for receiving those funds was that a restriction be placed on the deeds to the property to

prohibit uses other than public recreation without the State approval. Director Baggs stated the Town also applied for a waiver of retroactivity. Director Baggs stated the waiver was granted, PARTF funding was received, and the next step in the process is to get the restrictive covenants approved. Director Baggs stated once these covenants are recorded, then the Town can apply for reimbursement for the acquisition price for Ray's Mill Pond.

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to approve the Ray's Mill Pond Restrictive Covenants. Motion unanimously carried.

f. Lease Amendment for AT&T.

Manager Zell stated every time a cell phone company changes their equipment, the Town has to go through a new lease agreement. Manager Zell stated Attorney Bob Hornik has reviewed the lease. This lease is for Tank #2. Manager Zell stated next fall the lead paint on the tank will have to be removed, and the tank will have to be repainted.

A motion was made by Commissioner Thomas, seconded by Commissioner McMurray, to approve the Fourth Amendment to Lease and License Agreement with New Cingular Wireless PCS, LLC. Motion unanimously carried.

9. Other Business

Planner Kim stated Planning Staff is expecting a letter in the next week or two for release of funds for the SBEA Grant. Planner Kim stated the letter should be on the way.

10. Adjournment

A motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell, to adjourn the meeting. Motion unanimously carried.

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Regina M. Rosy, Town Clerk

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Elizabeth B. Mofield, Mayor

Minutes were completed in  
Draft form on December 10, 2012

Minutes were approved  
on February 11, 2013